

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

RANDY HOWARD and  
TRISHA HOWARD,

Plaintiffs,

v.

EMC MORTGAGE CORPORATION,

Defendant.

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CASE NO.: 09-542

**MOTION TO DISMISS EMC MORTGAGE CORPORATION**  
**WITHOUT PREJUDICE**

**COME NOW** the Plaintiffs, Darlene Randy Howard and Trisha Howard, and respectfully move the court for the dismissal of Defendant, EMC Mortgage Corporation without prejudice.

Executed as of the 8<sup>th</sup> day of March, 2010.

/s/ Earl P. Underwood, Jr.  
Earl P. Underwood, Jr. (UNDEE6591)  
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CERTIFICATE OF SERVICE

I hereby certify that on March 8<sup>th</sup> 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Earl P. Underwood, Jr.  
Earl P. Underwood, Jr.